

YADKIN COUNTY BOARD OF COMMISSIONERS

August 26, 2009

(Recessed from August 17, 2009)

The Yadkin County Board of Commissioners reconvened on Wednesday, August 26, 2009 at 6:30pm in the Conference Room of Hoots Memorial Hospital, 624 West Main Street, Yadkinville, North Carolina.

Present were:

Chairman Chad Wagoner
Vice Chairman Kevin Austin
Commissioner David Moxley
Commissioner Brady Wooten

Commissioner Tommy Garner
(arrived at 6:40pm)

Staff present:

County Attorney, James Graham
County Manager, Stan Kiser
Clerk to the Board, Gina Brown

Representing the Yadkin County Sheriff's Office:

Sheriff Mike Cain
Major Danny Widener
Lieutenant Tom Helms
Communications Director, David Matthews

CALL TO ORDER by Chairman Wagoner at 6:34pm.

Major Danny Widener reported that specifications had been completed by an engineer with experience in jail facilities. Bids have been requested based on those specifications and are due no later than September 8, 2009. Mr. Harkins, Lead Inspector for DHHS, visited the jail today. The Yadkin County Jail will be officially closed at 8:00am on Thursday, August 27, 2009 and will remain closed until the plumbing can meet current code. The Yadkin County Jail can continue to house only 7 inmates. All others must be housed out of County.

Sheriff Mike Cain read a prepared letter to the Board. That letter follows in its entirety...

“ August 26, 2009

Mr. Chairman and Other Members of the Board,

I come before you tonight to hopefully offer a possible solution and to state some facts pertaining to our seemingly endless solution to fix our problems with the Yadkin County Jail.

First off, let me state that it is the county's responsibility to provide a place for the county's inmate population and the Sheriff's responsibility to maintain and run the jail you have provided.

We have been dealing with this issue for a very long time now, seemingly to no avail that will satisfy everyone. We have spent countless hours debating the need for a jail, what type to build, how big to build it, where to put it. During all this time very little has been accomplished toward a solution. We have paid lots of taxpayer monies on surveys of what kind to build, how big to build, testing of sites, hiring a firm to draw plans and fighting lawsuits to keep from building it on a certain location.

Let me openly and publicly say here and now, I have never had a preference on where it is located. We transport inmates all over this state. I fully understand the feelings of the people on Hoots Road about their safety concerns and land values if it is built in their neighborhood. After it was decided by past boards to build a jail, I have stayed totally neutral about where to build it. While we are still debating about where to build, the taxpayers have spent \$664,903.80 from July 1, 2006 through June 1, 2009 to house inmates in other counties and I am not quoting the other costs associated with these transports. We are at the mercy of other counties when we need to place an inmate until their trial date. These counties are like Yadkin, they sometimes do not have the room we need. People do not understand that a jail and prison are two separate things. A person in jail has not been convicted, only accused of a crime. A prison means they have been convicted and are being punished for these crimes.

I have heard it said that I want to build a country club jail for our inmates. This is far from the truth, I am required by law to treat those people decent and look after their well being while they are in my custody. I do not provide my inmates luxuries but I do try to provide basic needs and basic human rights. I know the only people concerned about basic rights for inmates are the inmate's families. But if any person or taxpayer had their child in jail they would want the same thing for their child also.

Over the last several years I have seen us tearing at each other over this jail issue. Friends stop being friends, neighbors stop being neighbors, taxpayers concerned over rising taxes. I have heard and listened to comments made to me either for or against this jail. I have been praised and slandered over this jail. I have spent lots of time thinking of nothing but this jail issue. But now to

get to my point! I remember Mr. Wooten stating to me at several board meetings that he could build our jail at around three million dollars by going with a modular, precast, pre-built jail and it would be fully operational within six months. I am asking this Board, all of you, for someone to make a motion tonight if possible to have Mr. Wooten to take over this endeavor and secure us a jail from these people and to place this jail beside the present jail, and have it up and running as soon as humanly possible. Allow Mr. Wooten to work with the Board, work with the Jail Standards Commission and myself to design a jail that will meet our county's needs for years to come. If it means building the jail several stories up to fit on the site beside our present jail, so be it. All I want is a secure, safe, sanitary facility that meets our needs.

Let us please come up with a solution to solve our problem that everyone can live with then maybe we can get back to the business at hand, which is providing services to our community, educating our kids, build infrastructure, etc.

Thank you for allowing me to speak to you tonight.

Sincerely,

Sheriff Michael Cain”

Sheriff Cain reviewed the expenditures for out-of-county inmate housing as follows:

Housing Inmates Out-of-County July 1, 2006 thru June 1, 2009	
DAVIE COUNTY	\$228,377.11
WATAUGA COUNTY	\$158,175.00
NC DEPT OF JUVENILE JUSTICE	\$31,780.00
NC DEPT OF CORRECTIONS	\$94,779.01
IREDELL COUNTY	\$1,120.00
CALDWELL COUNTY	\$31,409.48
WILKES COUNTY	\$4,895.00
FORSYTH COUNT	\$86,078.70
RUTHERFORD	\$28,289.50
GRAND TOTAL	\$664,903.80

Sheriff Cain reiterated that these figures do not include transportation costs, wear and tear on vehicles, fuel, or medical expenses. Sheriff Cain estimated that these figures would be tripled by transportation costs, salaries, and manpower.

Commissioner Garner made a motion to name Commissioner Wooten as head of the jail site. Vice Chairman Austin asked Commissioner Garner to elaborate on the motion. Commissioner Garner commented that his motion was to direct Commissioner Wooten just as Sheriff Cain had suggested; to work with officials on the construction of a precast facility next to the current jail at a cost of \$3 million. Sheriff Cain offered that the \$3 million figure was used some time ago and that costs have probably increased since that time.

Sheriff Cain added that a precast facility would not be the best choice. Sheriff Cain believes that a precast facility will have issues in just a few short years. However, with a current inmate population of 60, the County needs to resolve the jail situation and precast would offer the quickest solution.

Commissioner Wooten confirmed that he presented information in years past regarding precast buildings. Commissioner Wooten stated that he has not researched this in some time and feels that a precast building may no longer be an option. Prior to the County's use of a jail planner, Commissioner Wooten had suggested plumbing and air conditioning repairs on the jail and believes that failing to address those issues at that time was a mistake. Commissioner Wooten stated he would be willing to work with the Board and the Sheriff's staff to determine the ongoing needs. Commissioner Wooten suggested that a jail committee be established immediately to determine a solution.

Commissioner Garner commented that Commissioner Wooten had been against building a jail from the beginning and was an advocate of the "Hoots Road Gang". Commissioner Garner suggested that Commissioner Wooten and Vice Chairman Austin assume the responsibility of the jail project. Commissioner Garner restated his motion to name Commissioner Wooten as head of the jail site.

Chairman Wagoner asked if the jail could be reopened after the bids are received and work begins. Sheriff Cain responded that the plumbing work could take as much as 6 months to complete. There will be periods throughout the 6 months in which no water is available. Sheriff Cain also expressed concerns for the safety and security of his officers during this time noting that he will have no knowledge or authority over the laborers in this project.

County Manager Kiser asked if other inspection issues may surface once the plumbing work is complete. Sheriff Cain responded that there are many issues that will have to be addressed over time if the facility continues to operate. Lieutenant Helms offered this case in point; just today, Inspector Harkins ordered

the removal of a retaining wall that has been in place for at least 25 years. The glass in the jail must be replaced for more energy efficiency.

Sheriff Cain commented that he did not appear before this Board to create an issue but rather to beg for help. Sheriff Cain stated that the County has to move forward on constructing a jail that is safe, secure, and sanitary. Sheriff Cain stated that he preferred one level, but multi-level will suffice if necessary. Sheriff Cain reported that the current jail was built in 1968. Even the cell locking mechanisms are obsolete. County Manager Kiser added that the inmates actually have to assist with locking the cell doors.

Chairman Wagoner remarked that Yadkin County has a shovel ready project with borings, plans, and a site. Chairman Wagoner asked Sheriff Cain how difficult it would be to go back to DHHS for the proper permits when DHHS had fast-tracked the process in the beginning. Sheriff Cain feels that DHHS understands the situation and would not present excess obstacles.

Chairman Wagoner stated that he was not attempting to postpone any decision, but suggested that this issue be discussed at the next regular meeting of the Board on Wednesday, September 9, 2009. As this will be a morning meeting, the Board could take as much time as needed for discussion. Chairman Wagoner asked Board members if this would be acceptable. Board members agreed.

The motion by Commissioner Garner to name Commissioner Wooten as head of the jail site failed for a lack of second.

County Manager Kiser reported that a closure letter from Inspector John Harkins is expected by 8:00am on Thursday, August 27, 2009.

Commissioner Moxley made a motion to adjourn. Commissioner Wooten second. Chairman Wagoner asked that this issue be placed as the last item on the agenda prior to Commissioner Comments for the meeting of September 9, 2009.

Vote: 5/0

Meeting adjourned at 7:20pm.

Prepared by Clerk to the Board

Date approved by the Yadkin County
Board of Commissioners